

**IN THE UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

IN RE THE COMPLAINT AND PETITION  
OF COSTAR SAILING, LLC, AS OWNER,  
AND J&J YACHT SERVICES, LLC, AS  
OWNER PRO HAC VICE/OPERATOR, OF  
THE S/V CARPE AURA, HULL #:  
FPA542531819 AND OFFICIAL NO. 1291579,

CASE NO. 3:21-cv-0059

Petitioners,

v.

EDWARD AND CINDY MOREA

Claimants and Third-Party Plaintiffs,

v.

ATLANTIC CRUISING YACHTS, LLC,  
FOUNTAIN PAJOT, SA, AND  
CONSTANTINE BAKAS,

Third-Party Defendants.

**JOINT MOTION TO EXTEND CASE DEADLINES AND TRIAL DATE**

Here come, the Parties, and hereby jointly move this Court to extend the case deadlines and trial date in the above captioned matter and adopt the Joint Proposed Revised Deadlines attached hereto as Exhibit A.<sup>1</sup> In support of this motion, the Parties assert the following:

1. This lawsuit involves personal injuries sustained on April 16, 2021 by Claimant and Third-Party Plaintiff, Edward Morea (“Morea”), when an explosion occurred while he was a passenger aboard the S/V Carpe Aura (“Carpe Aura”).

2. Petitioners, Costar and J&J Yacht Services, LLC, filed a Petition for Limitation of Liability on July 13, 2021.

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<sup>1</sup> Fountaine Pajot has filed motions to dismiss the Third-Party Complaint of Edward Morea and Cindy Morea and Atlantic Cruising Yachts, LLC’s cross-claims for lack of personal jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(2). Those motions remain pending. Fountaine Pajot joins in this motion while reserving and without waiving its jurisdictional defenses and the aforementioned motions.

3. On October 20, 2021, Mr. Morea and his wife, Cindy Morea filed their Answer, and later, on April 14, 2022, their Consent Motion for Leave to File a Third-Party Complaint was granted.

4. On May 5, 2022, the Third-Party Complaint against Third-Party Defendants Atlantic Cruising Yachts, LLC, Fountaine Pajot, SA and Constantine Bakas was filed.

5. On September 12, 2022, the Court issued a Revised Trial Management Order (Doc. 85) following a Scheduling Conference on the same date.

6. Since September 12, 2022, the Parties have engaged in significant written discovery and document production.

7. The Parties are working to coordinate the scheduling of depositions for the numerous persons located in the United States Virgin Islands as well as the states of New York, Maine, and North Carolina, and France.

8. In order to accomplish the tasks of completing these depositions, the Parties respectfully request that the current discovery and other case deadlines be extended as follows:

- a. Fact Discovery from June 15, 2023 to October 1, 2023.
- b. Mediation from August 15, 2023 to November 15, 2023.
- c. Disclosure of Burden of Proof Experts from July 10, 2023 to December 1, 2023
- d. Disclosure of Responding Experts from September 10, 2023 to January 15, 2024.
- e. All discovery from November 10, 2024 to March 1, 2024.
- f. All dispositive and *Daubert* motions from December 15, 2023 to April 16, 2024.

g. Assignment of new trial date reflective of the above requested extensions, with all other pre-trial deadlines commensurate with the new trial date.

9. The Parties all join in this motion and relief sought. No party will be prejudiced by the relief sought herein.

WHEREFORE, the Parties respectfully request that this Court grant the instant motion, enter an order endorsing the attached Propose Revised Scheduling Deadlines, and enter any additional relief that is fair and just.

Dated: May 12, 2023

Respectfully Submitted by,

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**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that a true and exact copy of the foregoing was served on this 12th day of May 2023 through Notice of Electronic Filing (“NEF”) for the following parties and counsel:

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